

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH L. PRATT,

Defendant.

CASE NO. CR19-0248-JCC

ORDER

This matter comes before the Court *sua sponte*. On December 4, 2019, Defendant was charged by indictment with possession with intent to distribute a controlled substance and possession of a firearm in furtherance of a drug trafficking crime. (Dkt. No. 1.) After a continuance, trial was scheduled for April 13, 2020. (Dkt. No. 14.) As a result of the COVID-19 pandemic's impact in this district, the parties moved to vacate the trial date and set a status conference to determine an appropriate trial date. (Dkt. No. 18.) The Court granted the motion, scheduled a status conference for June 2, 2020, and held that the time between the date of the Court's order and the date of the status conference was an excludable period under the Speedy Trial Act. (Dkt. No. 20.) As a result of the ongoing impact of the pandemic, the Court continued the status conference to August 4, 2020, (Dkt. No. 30), and then to October 27, 2020, (Dkt. No. 32).

Over the past six months, the COVID-19 pandemic has significantly impacted the

1 Court's operations. (*See* General Orders 01-20, 02-20, 07-20, 08-20, 11-20, 13-20, 15-20 each of
 2 which the Court incorporates by reference.) Specifically, the pandemic has rendered the Court
 3 unable to obtain an adequate spectrum of jurors to represent a fair cross section of the
 4 community, and public health guidance has impacted the ability of jurors, witnesses, counsel,
 5 and Court staff to be present in the courtroom. (*See generally id.*) Recently, conditions have
 6 improved such that the Court can resume a limited number of in-person criminal jury trials.

7 Chief Judge Martinez has concluded that:

8 [F]or the foreseeable future, it will be possible to proceed with only one in-person
 9 criminal jury trial at a time at each of the district's two courthouses. The order in which
 10 pending criminal cases will proceed to trial will be determined by the Court in
 11 consultation with the Federal Public Defender's Office and the United States Attorney's
 12 Office.

13 W.D. Wash. General Order 15-20 (Oct. 2, 2020) at 2. Accordingly, the Court SETS this matter
 14 for trial on February 1, 2021. Further, the Court FINDS the ends of justice served by continuing
 15 trial to this date outweigh Defendant's and the public's interests in a speedy trial. *See* 18 U.S.C.
 16 § 3161(h)(7)(A). The reasons for this finding are:

- 17 1. The COVID-19 pandemic has rendered the Court unable to obtain an adequate
 18 spectrum of jurors to represent a fair cross section of the community, which would
 19 likely make proceeding with an earlier trial impossible or, at a minimum, would result
 20 in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).
- 21 2. Public health guidance has impacted the ability of jurors, witnesses, counsel, and
 22 Court staff to be present in the courtroom. Therefore, proceeding with an earlier trial
 23 would likely be impossible. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

24 Accordingly, the Court ORDERS:

- 25 1. Trial in this matter is scheduled for February 1, 2021.
- 26 2. The pretrial motions deadline is December 7, 2020.
3. All pretrial filings—including trial briefs, motions in limine, proposed voir dire,

1 proposed jury instructions, and proposed verdict forms—must be submitted no later
2 than Monday, January 18, 2021.

3 4. The period from April 8, 2020, when the Court granted a continuance based on the
4 impact of COVID-19, until February 1, 2021, is an excludable time period under 18
5 U.S.C. section 3161(h)(7)(A).

6 5. The status conference scheduled for October 27, 2020 is VACATED.

7 DATED this 14th day of October 2020.

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11 John C. Coughenour
12 UNITED STATES DISTRICT JUDGE
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